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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,792	06/10/2002	Axel Buerck	449122024600	4996

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EXAMINER
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AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/069,792

Applicant(s)

BUERCK ET AL.

Examiner

Rasha S. AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on December 16, 2004 has been entered. Claims 1, 10, 19, and 20 have been amended. Claim 15 has been canceled. No claims have been added. Claims 1-14 and 16-20 are still pending in this application, with claims 1, 10, 19, and 20 being independent.

### ***Drawings***

2. The drawings are objected to because some elements are labeled with German acronyms such as LTUC 1, SLMO1, KE1, DZ1, and SEIZURE. Labeling of the drawings must be provided in English for the purpose of examination. Note that the disclosure and the drawings must be consistent.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 8-13, 16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application (EP 0920234 A2) hereinafter D1.

Regarding claim 1, D1 teaches a method for setting up and/or clearing a communications link (see abstract), comprising: setting up and/or clearing a communications link for transporting communication data (setting up reads on the call control message between the switching nodes, see col. 2, lines 38-45) which is carried out by at least one first functional unit (first functional unit reads on originating switch 12 and/or terminating switch 14 in Fig. 1) in a communications network (reads on all components of Fig. 2); the at least one first functional unit (12 and/or 14) carrying out basic call functionality (the basic call functionality is inherent and it also reads on SSC 34 within switch 12 and/or 14 accessing IAMS messages that contain information such

as the called party number, calling party number, etc., see col. 5, lines 24-53 and Fig. 1) which is independent of a transport network (the transport network reads on trunks 28 and links 30, see col. 5, lines 2-19 and Fig. 1); and controlling a connection function which is carried out by a second functional unit (reads on ATM switch 20 within Broadband 18, see Fig. 1) in the communications network (reads on all components of Fig. 2), the second functional unit (20) providing supplementary features (reads on the control message such as the Calling Party Number Information Element of the ATM, see col. 9, lines 1-17) and controlling connections between the at least one first functional units via signaling, wherein the first and the second functional units are physically separated from one another (see Fig. 1).

Claims 9-13, and 18-20 are rejected for the same reasons as discussed above with respect to claim 1. Also regarding the control network that is recited in claim 20, this simply reads on CCS7 signaling network (16), see Fig. 1.

Regarding claim 2, D1 teaches the signaling to control the setting up and/or clearing of a communications link, wherein the connection is set up and/or cleared via a transport network; and signaling is carried out via a control network (see col. 5, lines 1-23 and Fig. 1).

Regarding claim 3, D1 teaches that the signaling is controlled by a central device (this reads on the subnetwork signaling device 34, see col. 5, lines 24-28).

Regarding claim 4, D1 teaches setting up the communications link in the transport network via at least one decentralized device (this reads on ATM connection manager 36 sending a request to set up an ATM virtual channel connection, see col. 5, lines 53-58 and Fig. 1).

The limitations of claims 5 and 16, which recite "the central device controls a decentralized switching device" are inherent in D1.

Regarding claim 8, D1 teaches an asynchronous transmission method is used for transmission via the communications link (see col. 5, line 7).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 6-7, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over D1 in view of PCT (WO 93 15583) hereinafter D2.

Regarding claims 14 and 17, D1 does not specifically teach the use of PBX, instead D1 system and method are implemented in AIN network.

However, D2 teaches an interworking unit that is responsible to provide changes between PBXs that are connected together (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a PBX, as taught by D2, into the D1 system in order to provide the versatility of using different environments.

Claim 6 recites the limitations of "setting up and/or clearing a communications link to a communications terminal, and setting up the connection via the transport network by producing at least one time slot control information item in the central device, which information item is used for setting up connections in the transport

network". Since D1 teaches the subnetwork signaling controller 34 uses look up tables, which stores information and data. Then the use of specifying any time slot would have been obvious.

Claim 7 is rejected for the same reasons as discussed above with respect to claim 6 and 1.

### ***Response to Arguments***

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Examiner**  
**Rasha S. Al-Aubaidi**  
**Art Unit 2642**  
**05/19/2005**

  
**AHMAD F. MATAR**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2700**